UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/1991/SR.13
14 October 1991

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 9 October 1991, at 10 a.m.

Chairman: Mrs. BADRAN

CONTENTS

Other matters

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-17797/7638a

The meeting was called to order at 10.15 a.m.

OTHER MATTERS (agenda item 11)

General discussion of the provisions of the Convention

The CHAIRMAN invited the members to make suggestions on any particular issues they would like to have included in the general discussion.

Miss MASON said that she was concerned with the question of the division of labour with regard to the procedure to be followed by the Committee in dealing with the reports of States parties. For example, she would like to know how much time would be allotted for the consideration of each report and whether certain members of the Committee would be mandated to put questions to the representatives of States parties relating to the topical headings of the guidelines.

Mr. HAMMARBERG said that it would be useful for the Committee to be given a briefing by the secretariat on the advisory services programme and on the possibility that that programme might assist in the process of the implementation of the Convention.

He also hoped that it would be possible for the Committee to be briefed at some stage on the problem of reservations by States parties and on the way in which the United Nations system as a whole and the treaty body system in particular dealt with such reservations.

Referring to the discussion on the rules of procedure, he recalled that, under rule 73, the Committee might recommend to the General Assembly to request the Secretary-General to undertake studies. It had been pointed out that such a process would be cumbersome and that the Committee would like to be able to initiate studies itself either in cooperation with the specialized agencies or directly in conjunction with other institutions and even individuals. Sooner or later, the Committee would have to discuss the role that such studies would play in its work.

Mrs. EUFEMIO said that, since much of what the Committee wished to do depended on the availability of financial resources, consideration should be given to discussing the vital issue of alternative funding.

Mrs. BELEMBAOGO said that quite a few States had ratified the Convention on the Rights of the Child, but had not ratified the International Covenants on Human Rights. She thought that, in the dialogue it would have with States parties, the Committee should remind them of the need to ratify the Covenants, since the rights of the child were an integral part of human rights in general. In order to ensure the scrupulous application of the provisions of the Convention on the Rights of the Child, States would have to guarantee a minimum of human rights. If a State had ratified the Convention on the Rights of the Child and had not ratified the International Covenants, it would have difficulty in ensuring the implementation of a number of the provisions of the Convention. The Committee might request the other treaty bodies to encourage the various States parties to take account of the International Covenants and to implement their provisions.

Mgr. BAMBAREN GASTELUMENDI said that the Committee should discuss the important question of maintaining informal contacts with non-governmental organizations concerned with the rights of the child, particularly since such bodies could encourage States parties to fulfil their obligations under the Convention.

Mr. KOLOSOV said that the other treaty bodies had much experience in considering the reports of States parties. It would therefore be important for the Committee to establish a close relationship with those bodies and he suggested that the Committee should discuss methods for establishing such a relationship. He did not think that the annual meetings of the chairmen of the treaty bodies would be sufficient for the purposes of the Committee.

Mr. HAMMARBERG said that the Committee had to consider what the main emphasis of its work would be. If the Committee was to be regarded internationally as the authoritative body with respect to the Convention, it would have to be careful in its comments on the reports of States parties and on the articles of the Convention itself.

As to the consideration of the reports of States parties, the Committee should plan its work on the assumption that Governments would fulfil their obligation to submit their reports on time. To that end, the Committee should transmit the guidelines to Governments and request information on the progress they were making in the preparation of their reports. It would also be appropriate for the Secretary-General to transmit a note verbale stressing the importance of the timely submission of reports. States parties should also be given information on advisory services. The Committee should complete its consideration of the reports of States parties within a reasonable period of time. The 57 reports expected to be received during the last part of 1992 should be dealt with substantially in 1993.

One way of ensuring that the Committee dealt with the reports within a reasonable period of time related to preparations for plenary meetings. The bulk of the work involving the processing of reports might be done in a pre-sessional subcommittee of the Committee rather than in plenary. During the pre-sessional meeting, there would be the beginning of a dialogue between the Committee and the Governments concerned. The Committee's questions would be submitted to Governments and efforts would be made to help them prepare for their attendance at plenary meetings. He thought that a single day would be required for the consideration of each report. During the first two years, the Committee would have a substantial workload, a situation which might cause problems for some members from the standpoint of their outside activities. He thought that it would not be a good idea to divide the plenary meetings into a few small groups, since the members represented different regions and should be present during the consideration of reports.

Mr. KOLOSOV said he did not think that a dialogue with Governments should be established at the subcommittee level because, under the Convention and the rules of procedure, every Government had the right to receive an evaluation concerning the situation in its country by the Committee as a whole, if necessary by a vote. Such a vote could not be taken if the Committee was divided into small groups.

Another reason why a dialogue could not be established with Governments at the pre-sessional stage was that delegations which came to submit their reports usually remained only two or three days and could not stay for a longer period of time.

The delegations of Governments and the Committee had different goals. Governments submitted their reports with a view to removing any criticism against them, minimizing their problems and putting forward their achievements. Another of their goals was to obtain financial and material assistance. The Committee's objective was to find out what difficulties Governments faced and why.

In his view, two working days might be needed for the consideration of initial reports. To reduce the workload of the Committee as a whole, a pre-sessional working group might study the reports to detect achievements and difficulties. In plenary, the consideration of a report would then consist of a 20-minute oral introduction by the State, followed by questions from the Committee members and the Committee's conclusions. The focus should be on specific achievements and specific problems.

Mrs. SANTOS PAIS said that the question of working methods was a crucial one and that the Committee would no doubt be reconsidering its approaches in the light of its experience. It was important to remember that the Committee on the Rights of the Child was a treaty body and, as such, was able to receive guidance from the other treaty bodies of the United Nations system. It might thus be useful, at the beginning of every session, to have a report on developments of interest to the Committee elsewhere in the United Nations system.

The Committee differed from the other treaty bodies in two respects as far as the consideration of reports was concerned. It not only faced the unknown as a new Committee, but it had a much larger number of reports to consider than the other treaty bodies. However, although reports were necessary they should not be the only basis for the Committee's work. The Committee should remain open to contributions from other United Nations bodies with a great deal of experience in countries with which it was holding a dialogue. In addition, since most of the provisions of the Convention on the Rights of the Child were included in other conventions, reports submitted by States to the other treaty bodies would be useful. Thus, the secretariat might submit an analytical study taking into account the reports by States to the other treaty bodies, particularly in respect of such issues as freedom of association, the right to work, social security and participation in cultural activities. The reactions of the other treaty bodies would be helpful in alerting the Committee to particularly important questions.

It would also be interesting to implement the idea suggested at the informal May 1991 meeting of establishing a technical advisory group, composed of representatives of the Committee's different partners, to assist the Committee and the pre-sessional working group in dealing with the large volume of information available in different fields. Such assistance would enable the pre-sessional working group to identify the main issues that should be raised to the State party when it appeared before the Committee.

She did not fully agree with Mr. Kolosov that a dialogue with a Government could not be established at the pre-sessional stage. The pre-sessional working group's formulation of questions requiring further information would enable the State party concerned to prepare its information with those questions in mind.

Mr. MOMBESHORA pointed out that the Committee's credibility would depend on its ability to analyse reports efficiently and to establish a beneficial working relationship with the State party concerned. Because of the diversity among the members, especially in certain technical areas, the establishment of working groups to help process the initial work might be very effective. The members with technical expertise would be able to give the others a clear understanding of the situation in a particular country, and that would lead the Government to have confidence in the Committee. He agreed with other speakers that discussions with State parties should take place in plenary meetings.

Mrs. EUFEMIO said that she agreed with Mr. Hammarberg on the importance of the Committee's role in interpreting the Convention. Especially in view of the members' different disciplines, they should have common interpretations of the articles of the Convention and be able to identify errors in States' understanding of the guidelines. She also believed that interpretations should be compiled in written form. One opportunity for discussion of interpretations was at the meetings of the pre-sessional working group. However, she agreed with other members that dialogue with States parties should take place in the Committee as a whole.

It was also essential for States parties to understand that the Committee was not policing them, but helping them implement the provisions of the Convention for the sake of children. She supported the idea of a technical advisory group and an analytical study to be prepared for consideration by the pre-sessional working group.

Mr. HAMMARBERG said that the establishment of a pre-sessional working group would mean the delegation of extra tasks to some members in connection with preparations for the consideration of reports. Such tasks could and should be rotated, in order to allow all the members to participate, and the working group should consist of three or four members at the most. In addition, the Chairman, Vice-Chairman and Rapporteur would have tasks to deal with between meetings and would ensure coordination with the other treaty bodies, the Commission on Human Rights and the General Assembly.

As to the division of labour, it was important to remember that, although experts were nominated by Governments, they were not representing any Government or region. Tasks should thus be divided up on a functional, and not a geographical, basis. An expert from a particular country should avoid playing an obvious role in the discussion of his or her country's report and should certainly not be the rapporteur for that report. In that way the Committee would be able to avoid considering a report too indulgently or too severely and experts would be protected from possible pressure by their Governments.

As far as the preparation of studies was concerned, he doubted that the members of the Committee would have time to follow the method of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, whose members took on a great many extra tasks. With regard to the preparation of discussions, the method of appointing one or more members to prepare for the next day's discussion was a sound one.

Mr. KOLOSOV said that he would like to have further information from the secretariat concerning the establishment of working groups. Assuming that such groups would meet during the Committee's sessions, since the Convention did not mention the possibility of intersessional working groups, they would reduce the time available for the consideration of reports in plenary meetings. The possibility of a technical advisory group was provided for in article 45 (a) of the Convention. It should be borne in mind, however, that the Committee must be in a position to inform the specialized agencies in advance which reports would be considered in order for them to submit reports on the States parties concerned.

Mr. MOMBESHORA pointed out that the consideration of a question by a working group did not rule out participation by other members. However, a working group composed of members with technical expertise would be able to identify issues better than a group composed of laymen.

Mrs. SANTOS PAIS noted that the Committee's rules of procedure provided for the establishment of subsidiary bodies. The Committee was therefore free to establish working groups, but it could also consider other working methods. It was understood that dialogue with a State party must take place not in a working group, but in the Committee as a whole.

Mgr. BAMBAREN GASTELUMENDI said that Mr. Kolosov had raised an interesting point with regard to technical assistance under article 45 (a) of the Convention. As far as the division of labour was concerned, he agreed that tasks should be organized according to subject-matter rather than on the basis of geographical concerns. It would also be useful to establish an executive secretariat of the Committee in each country to work exclusively on its behalf.

The meeting rose at 11.40 a.m.